

REMARKS

This is the third preliminary amendment filed in the above-identified application. Applicants request entry of new claims 21-25, which are the same as claims 14-18 from parent application no. 09/257,002 which were canceled without prejudice or disclaimer in order to place the parent application in condition for allowance. As a result of this Preliminary Amendment, claims 12-25 are pending.

Claim 21 (claim 14 of the parent application) stood rejected under 35 U.S.C. §102 as being anticipated by Kowalski; claims 22, 24 and 25 (claims 15, 17 and 18 of the parent application) stood rejected under 35 U.S.C. § 103 as being obvious over Kowalski in view of Ghosh '667; and claim 23 (claim 16 of the parent application) stood rejected over Kowalski in view of Higuchi '037. However, these claims are patentable over the references for the following reasons.

Claim 21, which is the independent claim, sets forth a code division multiple access mobile communication method using a long code masked symbol with the spreading factor of the long code masked symbol being smaller than that of other data symbols. However, Kowalski is silent with respect to disclosing a spreading factor of a long code masked symbol. Fig. 2 of the reference describes a structure of a slot having four pilot

symbols and five data symbols, compared with one long code masked symbol. However, this simply shows that more symbols are allocated per slot for transmitting pilot and data signals than for long code masked symbols. Accordingly, one having ordinary skill in the art would not consider that the reference teaches a spreading factor of the long code masked symbol being made smaller than the spreading factors of other data symbols, as claimed by Applicants.

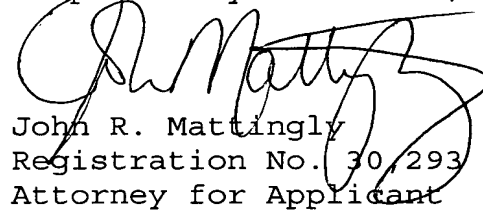
With respect to Ghosh '667 and Higuchi '037, each of these references is used in combination with Kowalski to suggest that the subject matter of claims 22-25 is unpatentable when these references are considered in combination with Kowalski. However, each of these claims is dependent upon a base claim 21 that is patentable over Kowalski and the art of record for the foregoing reasons. And, neither Ghosh '667 nor Higuchi '037 is sufficient to provide that which is missing from Kowalski with respect to disclosing or suggesting the code division multiple access mobile communication method that is claimed which includes a spreading factor of the long code masked symbol being made smaller than the spreading factors of other data symbols. Therefore, each of claims 21-25 is patentable over Kowalski, Ghosh and Higuchi, as well as the remainder of the art of record.

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Examination is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Mattingly", is written over the typed name and registration number.

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